

2015 discharge: European Securities and Markets Authority (ESMA)

2016/2188(DEC) - 27/04/2017 - Text adopted by Parliament, single reading

The European Parliament decided to grant the Executive Director of the European Securities and Markets Authority (ESMA) discharge in respect of the implementation of ESMA's budget for the financial year 2015.

The vote on the decision on discharge covers the closure of the accounts (in accordance with Annex IV, Article 5 (1) (a) to Parliament's Rules of Procedure).

Noting that the Court of Auditors has stated that it has obtained reasonable assurances that ESMA's annual accounts for the financial year 2015 are reliable and that the underlying transactions are legal and regular, Parliament adopted by 502 votes to 115 with 8 abstentions, a resolution containing a series of recommendations, which form an integral part of the decision on discharge and which add to the general recommendations set out in the [resolution on performance, financial management and control of EU agencies](#).

These recommendations may be summarised as follows:

- **Agency's financial statements:** Parliament noted that the final budget of the Agency for the financial year 2015 was EUR 34 031 603, representing an increase of 2.3 % compared to 2014, which can be explained by the new tasks given to the Agency.
- **Budget and financial management:** it acknowledged that the budget monitoring efforts during the financial year 2015 resulted in a budget implementation rate of 99.64 %, representing an increase of 0.08 % compared to 2014, and that the payment appropriations execution rate was at 84.54 %, representing an increase of 3.38 % compared to 2014. It also noted the reduction in the 2015 budget through two subsequent budget amendments, thereby using Union funds rationally. It suggested that, as the Authority's workload is increasingly shifting from legislative tasks to supervisory convergence and enforcement, the Authority's budget and manpower should be allocated accordingly.
- **Commitments and carry-overs:** Parliament stated that the carry-overs were mainly related to the multiannual nature of the Authority's large IT projects, as well as to mission expenses that could only be reimbursed in 2016. It noted that the carry-overs were not always at odds with the budgetary principle of annularity.

Parliament also made a series of observations regarding transfers, procurement, recruitment procedures and the prevention and management of conflicts of interests and internal audits.

As regards its mandate, Parliament noted that, wherever the Authority is authorised to draw up Level 2 and Level 3 measures, it should pay particular attention when drafting these standards to the specific features of the various national markets and that **market participants and consumer protection organisations concerned should be involved** at an early stage in the standard-setting process and during drafting and implementation stages.

Lastly, it stated that the Authority does not exercise all the prerogatives established in its legal framework. It underlined that it should ensure that resources are maximised in order to fully fulfil its legal mandate and that a closer focus on the mandate given to it by the European Parliament and the Council could result in a more efficient use of its resources and a more effective achievement of its objectives. When **drafting**

implementing legislation, the Authority needs to inform the European Parliament and the Council about its activities in a timely, regular and comprehensive manner.